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REMARKS

Applicants appreciate the Final Office Action of May 13, 2005. Applicants appreciate the Examiner's acknowledgment of the Information Disclosure Statement filed December 17, 2004. Applicants also appreciate the Examiner's withdrawal of the 35 U.S.C. § 112 rejections, the objections to the specification and the objections to the drawings. Applicants respectfully request reconsideration of the patentability of the pending claims. Applicants respectfully submit that the pending claims are in condition for allowance for at least the reasons discussed herein and in Applicants' Amendment of December 17, 2004 (hereinafter "Applicant's December Amendment").

The Section 112 Rejections

Applicants appreciate the Examiner's withdrawal of the 35 U.S.C. § 112 rejections, however, Applicants want to make it clear that nothing in Applicants' December Amendment indicated that the subject matter of the pending claims lacked novelty. In particular, the Final Office Action states that the rejections were withdrawn "in view of the amendment stating on pages 14-15 that the concepts for which no implementation details were provided in the Application are merely well-known conventions that Applicant has incorporated into a disclosed embodiment." See Final Office Action, page 2. Applicants did not say that the "concepts" of these claims were well known. The concepts are clearly novel for at least the reasons discussed in Applicants' December Amendment. Applicants clearly stated that the novel concepts of these claims could be "implemented in many ways known to those having skill in the art." See Applicants' response of December 17, 2004, page 14. Applicants' December Amendment further clearly states that the "implementation details" would be clear to those having skill in the art. Thus, no where in Applicants' response do Applicants even suggest that the novel concepts of these claims are "well-known conventions" as suggested in the Final Office Action.

The Section 103 Rejections

The Final Office Action maintains the rejections of all the pending claims set out in the previous Office Action of September 17, 2004. In the interest of brevity, Applicants will not repeat all of the arguments set out in Applicants' December Amendment. However, the

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arguments set out in Applicants' December Amendment are hereby incorporated herein by reference as if set forth in their entirety. Applicants will only respond herein to the new arguments presented in the Final Office Action.

Claims 1-6, 10-16, 24-29, 32-33, 42-44 and 46-49

Responsive to Applicants' arguments that the portals discussed in Yurkovic are merely conventional portals as they are discussed in the Background of the Invention, the Final Office Action states that Applicants admitted that the claimed portals are conventional. *See* Final Office Action, page 27. As discussed above, Applicants clearly did not state that the teachings of the pending claims were known. Applicants merely indicated that the implementation of these teachings could be implemented in many ways known to those of skill in the art.

Furthermore, the Final Office Action states that "immediacy is a relative/broad concept" and that "even if Yurkovic would not be considered as disclosing an immediate response, providing such a response is merely a matter of obvious design choice." *See* Final Office Action, page 27. Applicants respectfully disagree. As discussed in Applicants' December Amendment, immediately implies before all the information is gathered, *i.e.*, before all the portlets have acquired their content. Nothing in Yurkovic discloses or suggests such an immediate return of the document. In fact, Yurkovic teaches gathering all the information before presenting the document to the user. *See* Yurkovic, column 1, lines 25-35. Furthermore, the Final Office Action merely states that the recitations of the claims of the present invention are "merely a matter of obvious design choice." The Final Office Action does not point to any reference or teaching in the art to support such an assertion. These unsupported assertions in the Final Office Action do not make out a prima facie case of obviousness. Thus, Applicants submit that the pending claims are patentable over Yurkovic for at least these additional reasons.

Finally, the Final Office Action states that "the motivation is set forth in the Richmond reference, and not the subjective views of the Office." *See* Final Office Action, page 27. Applicants respectfully disagree. As affirmed by the Court of Appeals for the Federal Circuit in *In re Sang-su Lee*, a factual question of motivation is material to patentability, **and cannot be resolved on subjective belief and unknown authority**. *See In re Sang-su Lee*, 277 F.3d 1338 (Fed. Cir. 2002). It is improper, in determining whether a person of ordinary skill would have

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been led to this combination of references, simply to "[use] that which the inventor taught against its teacher." *W.L. Gore v. Garlock, Inc.*, 721 F.2d 1540, 1553, 220 U.S.P.Q. 303, 312-13 (Fed. Cir. 1983). Thus, according to the case law, the question becomes would someone having skill in the art be motivated to combine Yurkovic with Richmond if Applicants' disclosure did not exist. The Final Office Action states that someone of skill in the art would be motivated "because to do so would allow a programmer to automatically refresh a document as taught by Richmond" (See Final Office Action, page 4), "because to do so would allow a programmer to redirect a request for a URL as taught by Richmond" (See Final Office Action, page 5) and the like. These are motivations based on "subjective belief and unknown authority", the type of motivation that was rejected by the Federal Circuit in *In re Sang-su Lee*. The cited portions of Richmond in the Final Office Action would not induce one of skill in the art to combine the cited references as suggested in the Final Office Action.

Claims 7-9, 17-22, 23, 30-31, 34, 36-40, 41 45 and 50-53

The Final Office Action again argues that the motivations provided in the Final Office Action to combine the cited references are not subjective and of unknown origin. See Final Office Action, pages 27-28. Again, according to the case law, it is improper, in determining whether a person of ordinary skill would have been led to this combination of references, simply to use Applicants' disclosure as a road map. The motivations provided in the Final Office Action are not proper motivations as required by the case law.

Accordingly, Applicants respectfully submit that the pending claims are patentable for at least the reasons discussed herein and in Applicants' December Amendment. Accordingly, allowance of the pending claims is respectfully requested in due course.

CONCLUSION

Applicants respectfully submit that pending claims are in condition for allowance, which is respectfully requested in due course. Favorable reconsideration of this application is respectfully requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (919) 854-1400.

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Respectfully submitted,



Elizabeth A. Stanek
Registration No. 48,568

USPTO Customer No. 46589
Myers Bigel Sibley & Sajovec
Post Office Box 37428
Raleigh, North Carolina 27627
Telephone: 919/854-1400
Facsimile: 919/854-1401